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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LARRY W. CLARK,

Plaintiff,

v.

MENTAL HEALTH ORGANIZATION
DEPARTMENT OF CORRECTIONS, et al.,

Defendants.

Case No. C10-5396RBL/JRC

REPORT AND RECOMMENDATION

NOTED FOR:
July 1, 2011

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This 42 U.S.C. § 1983 civil rights action has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judge Rules MJR 1, MJR 3, and MJR 4. The plaintiff paid the full filing fee and is not proceeding in forma pauperis. Plaintiff filed his action May 28, 2010. Plaintiff has failed to serve any defendant. The court recommends the action be dismissed pursuant to Fed. R. Civ. P. 4 (m) and Fed. R. Civ. P. 41 (b).

The court issued an order to show cause on May 2, 2011 (ECF No. 19). In that order, the court ordered plaintiff to show cause why the action should not be dismissed for failure to
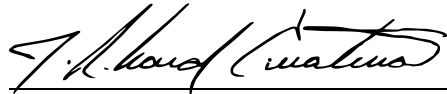
REPORT AND RECOMMENDATION- 1

prosecute (ECF No. 19). The court informed plaintiff of the requirement in Fed. R. Civ. P. 4(m)

that defendants be served within 120 days. There has been no timely response to the order to

show cause. Thus, plaintiff has failed to serve any named defendant and failed to comply with a

court order to show cause.

The action should be dismissed without prejudice pursuant to Fed. R. Civ. P. 4 (m).

Further, Fed. R. Civ. P. 41 (b) provides for dismissal for failure to prosecute and failure to

comply with court orders.

Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have

fourteen (14) days from service of this report to file written objections. See also Fed. R. Civ. P.

6. Failure to file objections will result in a waiver of de novo review by the District Court Judge.

See, 28 U.S.C. 636 (b)(1)(C). Accommodating the time limit imposed by Rule 72(b), the clerk is

directed to set the matter for consideration on July 1, 2011 as noted in the caption.

Dated this 3rd day of June, 2010.

J. Richard Creatura
United States Magistrate Judge

REPORT AND RECOMMENDATION- 2